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## Final Regulation Agency Background Document

<b>Agency name</b>	State Board of Social Services
<b>Virginia Administrative Code (VAC) citation</b>	22 VAC 40-250
<b>Regulation title</b>	Agency Placement Adoptions-AREVA
<b>Action title</b>	Amend as a result of periodic review
<b>Document preparation date</b>	Enter date this form is uploaded on the Town Hall

This information is required for executive review ([www.townhall.state.va.us/dpbpages/apaintro.htm#execreview](http://www.townhall.state.va.us/dpbpages/apaintro.htm#execreview)) and the Virginia Registrar of Regulations ([legis.state.va.us/codecomm/register/regindex.htm](http://legis.state.va.us/codecomm/register/regindex.htm)), pursuant to the Virginia Administrative Process Act ([www.townhall.state.va.us/dpbpages/dpb\\_apa.htm](http://www.townhall.state.va.us/dpbpages/dpb_apa.htm)), Executive Orders 21 (2002) and 58 (1999) ([www.governor.state.va.us/Press\\_Policy/Executive\\_Orders/EOHome.html](http://www.governor.state.va.us/Press_Policy/Executive_Orders/EOHome.html)), and the *Virginia Register Form, Style, and Procedure Manual* ([http://legis.state.va.us/codecomm/register/download/styl8\\_95.rtf](http://legis.state.va.us/codecomm/register/download/styl8_95.rtf)).

### Brief summary

*In a short paragraph, please summarize all substantive changes that are being proposed in this regulatory action.*

This regulation sets forth the functions and procedures for the Adoption Resource Exchange of Virginia (AREVA). Amendments are proposed in order to make the regulation consistent with a related adoption regulation, 22 VAC 40-260, Subsidy. Amendments also extend the time for local agencies to register children and families in AREVA, and delete references to obsolete terms.

### Statement of final agency action

*Please provide a statement of the final action taken by the agency including (1) the date the action was taken, (2) the name of the agency taking the action, and (3) the title of the regulation.*

The State Board of Social Services approved the final amendments to 22 VAC 40-250 on October 22, 2003.

## Legal basis

*Please identify the state and/or federal source of legal authority to promulgate this proposed regulation, including (1) the most relevant law and/or regulation, including Code of Virginia citation and General Assembly bill and chapter numbers, if applicable, and (2) promulgating entity, i.e., the agency, board, or person. Describe the legal authority and the extent to which the authority is mandatory or discretionary.*

Section 63.2-217 of the Code of Virginia provides that the State Board shall adopt such regulations as necessary or desirable to carry out the purpose of Title 63.2 of the Code of Virginia. Section 63.2-900 of the Code of Virginia provides that a local board shall adopt regulations for the provision of foster care services directed toward the permanent planning for children in the custody of or placed by local boards. The provisions of 22 VAC 40-250 are directly related to the statutory authority, by facilitating the placement of children in permanent, adoptive homes.

## Purpose

*Please explain the need for the new or amended regulation by (1) detailing the specific reasons why this regulatory action is essential to protect the health, safety, or welfare of citizens, and (2) discussing the goals of the proposal and the problems the proposal is intended to solve.*

The regulation provides guidelines for AREVA registration and operations. AREVA is an essential tool for recruiting adoptive families for waiting children. Without registration of a child with AREVA, the child is likely to remain in foster care for a longer period of time before achieving permanency with an adoptive family. Therefore, the regulation is essential to protect the health, safety, and welfare of waiting children in foster care.

The regulation was enacted in 1989, based on the practices at that time. The proposed amendments will make the regulation consistent with other applicable regulations, provide agencies adequate time to register children and families, and update the regulation by omitting obsolete terms and references.

## Substance

*Please identify and explain the new substantive provisions, the substantive changes to existing sections, or both where appropriate. A more detailed discussion is required under the "All changes made in this regulatory action" section.*

An amendment to the regulation is necessary to make the definition of child with special needs consistent with that in 22 VAC 40-260, Subsidy. The children registered with AREVA are those determined to have special needs that make them hard to place for adoption, thus making them eligible to receive adoption subsidy. The regulation which addresses special needs and adoption

subsidy criteria (22 VAC 40-260) is also being amended. It is important that both regulations reflect the same language

Amendments are also needed to lengthen the timeframe for child registration following termination of parental rights, and for family registration after the family has been approved. The time for a child to be registered following termination of parental rights and for a family to be registered upon approval has been lengthened from 30 to 60 days. Other amendments delete obsolete language and add reference to an automated adoption exchange.

**Issues**

*Please identify the issues associated with the proposed regulatory action, including:*  
1) the primary advantages and disadvantages to the public, such as individual private citizens or businesses, of implementing the new or amended provisions;  
2) the primary advantages and disadvantages to the agency or the Commonwealth; and  
3) other pertinent matters of interest to the regulated community, government officials, and the public.

*If the regulatory action poses no disadvantages to the public or the Commonwealth, please so indicate.*

The advantage of the regulation to the public, agency, and Commonwealth is that uniform policies for administering AREVA will remain in effect. The advantage of the proposed amendments to the public, agency, and Commonwealth is that the regulation will be consistent with other related regulations and in keeping with current practices, thus enhancing AREVA’s function as an effective tool for facilitating the placement of children. There are no disadvantages of the regulation to the public, agency, or Commonwealth.

**Changes made since the proposed stage**

*Please describe all changes made to the text of the proposed regulation since the publication of the proposed stage. For the Registrar’s office, please put an asterisk next to any substantive changes.*

No changes were made.

**Public comment**

*Please summarize all comment received during the public comment period following the publication of the proposed stage, and provide the agency response. If no public comment was received, please so indicate.*

No public comments were received.

**All changes made in this regulatory action**

*Please detail all changes that are being proposed and the consequences of the proposed changes. Detail new provisions and/or all changes to existing sections.*

<b>Current section number</b>	<b>Proposed new section number, if applicable</b>	<b>Current requirement</b>	<b>Proposed change and rationale</b>
10	n/a	Children who meet the definition of “child with special needs” must be registered in AREVA. A definition of “child with special needs” is included.	The definition of “child with special needs” is reformatted to conform with an amendment to 22 VAC 40-260, Subsidy. Children who meet this definition are eligible for subsidy, making it necessary for the definitions in both regulations to match.
20.1.f.3.	n/a	AREVA services include monitoring agency compliance with submission and completion of the Adoptive Placement Plan.	Reference to Adoptive Placement Plan is deleted because the form is no longer used.
20.2.a.(1)	n/a	Children must be registered within 30 days of termination of parental rights.	The registration timeframe is changed to 60 days to allow agencies sufficient registration time.
20.2.a.(2)	n/a	The agency must include a copy of the Adoptive Placement Plan with AREVA registration.	Reference to Adoptive Placement Plan is deleted because the form is no longer used.
20.2.b.(1)	n/a	Families must be registered within 30 days of their approval.	The registration timeframe is changed to 60 days to allow agencies sufficient registration time.
n/a	20.5.d	n/a	AREVA will feature children on the state’s electronic exchange system

**Family impact**

*Please assess the impact of the proposed regulatory action on the institution of the family and family stability.*

The proposed regulatory action will have no impact on the institution of the family and family stability. The regulation sets forth guidelines for agency administration of AREVA. Through AREVA, adoptive families are recruited for children in foster care with special needs who cannot return home and waiting for adoptive families. AREVA activities facilitate and expedite the matching of waiting children with approved, appropriate adoptive families.

